

REMARKS

Status of the Claims

Claims 1-38 are pending. Claims 1 and 7 have been amended to correct typographical errors.

Restriction

The Office Action imposed a 27-way restriction requirement as follows: Group I (claims 2,3,5 and 20 drawn to a targeting moiety comprising a conjugate of an antibody specific to CEA linked to the ligand-binding region of the IL2[R] α ; classified in Class 530, subclass 388.85); Groups II (Claims 2, 3, 5, 7, 12, 20 and 21, drawn to a targeting moiety comprising a conjugate of an antibody specific to CEA linked to the ligand-binding region of IL-4[R] α , classified in class 530, subclass 388.85); Group III (Claims 2, 3, 5, 8, 10, 20, 22 and 23, drawn to a targeting moiety comprising a conjugate of an antibody specific to CEA linked to the ligand-binding region of IL-15R α , classified in class 530, subclass 388.85); Group IV (Claims 2, 3, 6 and 20, drawn to a targeting moiety comprising a conjugate of an antibody specific to HLA-DR linked to the ligand-binding region of IL-2[R] α , classified in class 530, subclass 388.85); Group V (Claims 2, 3, 6, 7, 11, 20 and 21, drawn to a targeting moiety comprising a conjugate of an antibody specific to HLA-DR linked to the ligand-binding region of IL-4[R] α , classified in class 530, subclass 388.85); Group VI (Claims 2, 3, 6, 8, 9, 20, 22 and 23, drawn to a targeting moiety comprising a conjugate of an antibody specific to HLA-DR linked to the ligand-binding region of IL-15R α , classified in class 530, subclass 388.85); Group VII (Claims 2, 3, 14 and 20, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a malignant B-cell linked to the ligand-binding region of IL-2 [R] α , classified in class 530, subclass 388.73); Group VIII (Claims 2, 3, 7, 14, 20 and 21, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a malignant B-cell linked to the ligand-binding region of IL-4[R] α , classified in class 530, subclass 388.73); Group IX (Claims 2, 3, 8, 14, 20, 22, 23 and 25, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a malignant B-cell linked to the ligand-binding region of IL-15R α , classified in class 530, subclass 388.73); Group X (Claims 2, 3, 15 and 20, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a activated B-cell linked to the ligand-binding region of IL-2[R] α , classified in class

530, subclass 388.73); Group XI (Claims 2, 3, 7, 15, 20 and 21, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a activated B-cell linked to the ligand-binding region of IL-4[R] α , classified in class 530, subclass 388.73); Group XII (Claims 2, 3, 8, 15, 20, 22, 23 and 26, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a activated B-cell linked to the ligand-binding region of IL-15R α , classified in class 530, subclass 388.73); Group XIII (Claims 2, 3, 16 and 20, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a normal B-cell linked to the ligand-binding region of IL-2[R] α , classified in class 530, subclass 388.73); Group XIV (Claims 2, 3, 7, 16, 20 and 21, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a normal B-cell linked to the ligand-binding region of IL-4[R] α , classified in class 530, subclass 388.73); Group XV (Claims 2, 3, 8, 16, 20, 22, 23 and 27, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a normal B-cell linked to the ligand-binding region of IL-15R α , classified in class 530, subclass 388.73.); Group XVI (Claims 2, 3, 18, 20 and 38, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a malignant T-cell linked to the ligand-binding region of IL-2[R] α , classified in class 530, subclass 388.75.); Group XVII (Claims 2, 3, 7, 18, 20, 21 and 38, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a malignant T-cell linked to the ligand-binding region of IL-4[R] α , classified in class 530, subclass 388.75.); Group XVIII. (Claims 2, 3, 8, 18, 20, 22, 23, 29 and 38, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to a malignant T-cell linked to the ligand-binding region of IL-15R α , classified in class 530, subclass 388.75.); Group XIX (Claims 2, 3, 19, 20 and 38, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to an activated T-cell linked to the ligand-binding region of IL-2[R] α , classified in class 530, subclass 388.75.); Group XX (Claims 2, 3, 7, 19, 20, 21 and 38, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific to an activated T-cell linked to the ligand-binding region of IL-4[R] α , classified in class 530, subclass 388.75.); Group XXI (Claims 2, 3, 8, 19, 20, 22, 23, 29 and 38, drawn to a targeting moiety comprising a conjugate wherein the antibody is specific for a cell marker specific

to an activated T-cell linked to the ligand-binding region of IL-15R α , classified in class 530, subclass 388.75.); Group XXII (Claim 4, drawn to a targeting moiety comprising a bispecific antibody with a first specificity for a cell marker specific to a target cell and a second specificity for the ligand-binding region, classified in class 530, subclass 387.3.); Group XXIII (Claim 37, drawn to a targeting moiety comprising a conjugate of an antibody specific to HLA-DR linked to the ligand-binding region of IL-13R α , classified in class 530, subclass 388.85.); Group XXIV (Claim 32, drawn to a method of treatment wherein a targeting moiety comprising an antibody specific to a cell marker specific to a malignant B-cell, linked to the ligand-binding region of IL-15R α is administered to a subject, and then a conjugate of IL-15 linked to a drug, radionucleotide or toxin is administered to the subject, classified in class 424, subclass 134.1.); Group XXV (Claim 33, drawn to a method of treatment wherein a targeting moiety comprising an antibody specific to a cell marker specific to an activated B-cell, linked to the ligand-binding region of IL-15R α is administered to a subject, and then a conjugate of IL-15 linked to a drug, radionucleotide or toxin is administered to the subject, classified in class 424, subclass 134.1.); Group XXVI (Claim 34, drawn to a method of treatment wherein a targeting moiety comprising an antibody specific to a cell marker specific to a normal B-cell, linked to the ligand-binding region of IL-15R α is administered to a subject, and then a conjugate of IL-15 linked to a drug, radionucleotide or toxin is administered to the subject, classified in class 424, subclass 134.1.); and Group XXVII (Claims 35 and 36, drawn to a method of treatment wherein a targeting moiety comprising an antibody specific to a malignant T-cell, linked to the ligand-binding region of IL-15R α is administered to a subject, and then a conjugate of IL-15 linked to a drug, radionucleotide or toxin is administered to the subject, classified in class 424, subclass 138.1).

Although the Applicants traverse the restriction requirement, a provisional election is made to the claims of Group V (Claims 2, 3, 6, 7, 11, 20 and 21, drawn to a targeting moiety comprising a conjugate of an antibody specific to HLA-DR linked to the ligand-binding region of IL-4[R] α). Applicants respectfully request to add claim 1, the linking claim to this selection. Therefore, the Applicants provisionally elect Group V claims 2, 3, 6, 7, 11, 20 and 21, as well as claim 1.

Traversal of Restriction

Applicants respectfully traverse the restriction requirement. Applicants respectfully submit that the burden to the Office will not be increased if the restrictions were not made. A search of the prior art with respect to one of the groups will reveal whether prior art exists as to other groups. For example, a prior art search of group V will reveal whether prior art exists for groups I-IV or groups VI or XXIII.

In the alternative, Applicants request that the Examiner consider the following groups together: groups I, II, III, IV, V, VI and XXIII because groups I, II, III, IV, V, VI and XXIII are all classified in the same class, 530 and subclass 388.85; groups VII, VIII, IX, X, XI, XII, XIII, XIV, and XV because groups VII, VIII, IX, X, XI, XII, XIII, XIV, and XV are all classified in the same class, 530 and subclass 388.73; and groups XVI, XVII, XVIII, XIX, XX, and XXI because groups XVI, XVII, XVIII, XIX, XX, and XXI are all classified in the same class, 530 and subclass 388.75; and groups XXIV, XXV, and XXVI because groups XXIV, XXV, and XXVI are all classified in the same class, 424 and subclass 134.1. Therefore, the Examiner would not be seriously burdened if this restriction was not made. At a minimum, the claims of the groups discussed above should be examined together.

As a general matter, under 37 CFR 1.141, “more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim.” Applicants submit that there are allowable claims, such as claims 1, 13, 24, 17, 28, 30 and 31 that are generic to all of the claimed species and that all the claims to species in excess of one species are written in dependent form and depend from the generic claims. In particular, claims 2 and 20 depend from claim 1 and lists all of the elements of claim 1 plus additional elements. In addition, the Action further asserts on page 7 and 8, “Claim 1 links inventions of Groups I-XXI. The restriction requirement among the linked inventions is subject to the non-allowance of the linking claim, claim 1. Claims 13 and 24 link inventions of Groups VII-XV. The restriction requirement among the linked inventions is subject to the non-allowance of the linking claims, claims 13 and 24. Claims 17 and 28 link inventions of Groups XVI-XXI. The restriction requirement among the linked inventions is subject to the non-allowance of the linking claims, claims 17 and 28... Claim 30 links inventions of Groups XXIV-XXVII. The restriction requirement among the linked inventions is subject to the non-allowance

of the linking claim, claim 30. Claim 31 links inventions of Groups XXIV-XXVI. The restriction requirement as to the linked invention is subject to the non-allowance of the linking claim, claim 31...Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104.” Applicants therefore submit that the claimed subject matter drawn to a non-elected species should not be withdrawn, or in the alternative should be reentered in the case once the generic claims are found to be in condition for allowance. [MPEP ¶ 809, 809.02, 809.02(a), 809.02(c), 809.03 and 809.04].

CONCLUSION

For the reasons stated above, Applicants assert that the restriction requirement is improper and request withdrawal of the restriction requirement.

Respectfully submitted,

FAEGRE & BENSON LLP
Customer Number: 35657

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By: /Roberta Jean Hanson/

Roberta Jean Hanson
Patent Agent
Reg. No. 51,774
Telephone: 303-607-3766